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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 BRANDON JONES, an individual,
12 Plaintiff,

13 v.

14 EQUIFAX INFORMATION SERVICES,
15 LLC, and FORD MOTOR CREDIT
16 COMPANY, LLC,
17 Defendants.

Case No.: _____

COMPLAINT

DEMAND FOR JURY TRIAL

18 NOW COMES THE PLAINTIFF, BRANDON JONES, BY AND THROUGH
19 COUNSEL, MARK L. JAVITCH, and for his Complaint against the Defendants, pleads
20 as follows:

21 **JURISDICTION AND VENUE**

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23 1. The transactions and occurrences that give rise to this action occurred in the
24 city of Fullerton, Orange County, California.

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26 2. This Court has federal subject matter jurisdiction because this action arises
27 under a federal statute, the Fair Credit Reporting Act ("FCRA").
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1 impression of the Plaintiff, his character, and his desire to handle his financial obligations
2 responsibly.

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4 11. The current reporting greatly reduces and improperly restricts Plaintiff's
5 opportunities to obtain jobs, cars, and credit to maintain his lifestyle.

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7 12. On or about September 14, 2022, Credit Repair Lawyers of America on
8 behalf of Plaintiff, submitted a letter to Equifax, requesting to correct the inaccurate
9 reporting. In his dispute letter, Plaintiff explained that he paid the account in full with
10 FMC. Hence, Plaintiff no longer owes a balance. Plaintiff also attached FMC
11 correspondence verifying the same. Plaintiff asked Equifax to correct the inaccurate
12 reporting.

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14 13. Equifax forwarded Plaintiff's consumer dispute to FMC. FMC received
15 Plaintiff's consumer dispute from Equifax.

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17 14. On November 20, 2022, having not received an investigation results,
18 Plaintiff obtained his Equifax credit disclosure, which showed that Equifax and FMC
19 failed or refused to correct the inaccurate reporting, in violation of the FCRA.

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21 15. The False Tradeline is reporting inaccurately. It is inaccurate and
22 misleading to any user of the credit report who reviews it.

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24 16. As a direct and proximate cause of Defendants' negligent and/or willful
25 failure to comply with the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq., Plaintiff
26 has suffered credit and emotional damages. Plaintiff has also experienced undue stress,
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1 depression, anger, frustration, embarrassment, and humiliation due along with loss of
2 sleep, inability to concentrate, restlessness/discomfort, and weight loss due to
3 Defendants' failure to correct the errors in his credit file or improve his financial situation
4 by obtaining new or more favorable credit terms as a result of Defendants' violations of
5 the FCRA. Plaintiff cannot also purchase a home due to incorrect reporting.
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8 **FIRST CAUSE OF ACTION**
9 **NEGLIGENT VIOLATION OF THE**
10 **FAIR CREDIT REPORTING ACT**
11 **BY FORD MOTOR CREDIT COMPANY, LLC**

12 17. Plaintiff realleges the above paragraphs as if recited verbatim.

13 18. After being informed by Equifax of Plaintiff's inaccurate payment status,
14 FCM negligently failed to conduct a proper investigation of Plaintiff's dispute as required
15 by 15 USC 1681s-2(b).

16 19. FMC negligently failed to review all relevant information available to it and
17 provided by Equifax in conducting its reinvestigation as required by 15 USC 1681s-2(b).
18 Specifically, it failed to direct Equifax to report the False Tradeline with a payment status
19 as "payment after charge off."

20 20. The False Tradeline is inaccurate and creates a misleading impression on
21 Plaintiff's consumer credit file with Equifax to which it is reporting such tradeline.
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23 21. As a direct and proximate cause of FMC's negligent failure to perform its
24 duties under the FCRA, Plaintiff has suffered damages, mental anguish, suffering,
25 humiliation, and embarrassment.
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1 22. FMC is liable to Plaintiff by reason of its violations of the FCRA in an
2 amount to be determined by the trier of fact together with reasonable attorneys' fees
3 pursuant to 15 USC 1681o.
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5 23. Plaintiff has a private right of action to assert claims against FMC arising
6 under 15 USC 1681s-2(b).
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8 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
9 against FMC for damages, costs, interest, and attorneys' fees.
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SECOND CAUSE OF ACTION
WILLFUL VIOLATION OF THE
FAIR CREDIT REPORTING ACT
BY FORD MOTOR CREDIT COMPANY, LLC

24. Plaintiff realleges the above paragraphs as if recited verbatim.

25. After being informed by Equifax that Plaintiff disputed the accuracy of the information it was providing, FMC willfully failed to conduct a proper reinvestigation of Plaintiff's dispute.

26. FMC willfully failed to review all relevant information available to it and provided by Equifax as required by 15 USC 1681s-2(b).

27. As a direct and proximate cause of FMC's willful failure to perform its duties under the FCRA, Plaintiff has suffered damages, mental anguish, suffering, humiliation, and embarrassment.

28. FMC is liable to Plaintiff for either statutory damages or actual damages he has sustained by reason of its violations of the FCRA in an amount to be determined by the trier of fact, together with an award of punitive damages in the amount to be determined by the trier of fact, as well as for reasonable attorneys' fees that he may recover pursuant to 15 USC 1681n.

WHEREFORE, PLAINTIFF PRAYS that this court grant him a judgment against FMC for the greater of statutory or actual damages, plus punitive damages, along with costs, interest, and attorneys' fees.

THIRD CAUSE OF ACTION
NEGLIGENT VIOLATION OF THE
FAIR CREDIT REPORTING ACT BY EQUIFAX

29. Plaintiff realleges the above paragraphs as if recited verbatim.

30. Defendant Equifax prepared, compiled, issued, assembled, transferred, published, and otherwise produced consumer reports regarding Plaintiff as that term is defined in 15 USC 1681a.

31. Such reports contained information about Plaintiff that was false, misleading, and inaccurate.

32. Equifax negligently failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information it reported to one or more third parties pertaining to Plaintiff, in violation of 15 USC 1681e(b).

33. After receiving Plaintiff's consumer dispute to the False Tradeline, Equifax negligently failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

34. As a direct and proximate cause of Equifax's negligent failure to perform its duties under the FCRA, Plaintiff has suffered actual damages, mental anguish and suffering, humiliation, and embarrassment.

35. Equifax is liable to Plaintiff by reason of its violation of the FCRA in an amount to be determined by the trier of fact together with his reasonable attorneys' fees pursuant to 15 USC 1681o.

WHEREFORE, PLAINTIFF PRAYS that this court grants him a judgment against Equifax for actual damages, costs, interest, and attorneys' fees.

FOURTH CAUSE OF ACTION
WILLFUL VIOLATION OF THE
FAIR CREDIT REPORTING ACT BY EQUIFAX

36. Plaintiff realleges the above paragraphs as if recited verbatim.

37. Defendant Equifax prepared, compiled, issued, assembled, transferred, published, and otherwise produced consumer reports regarding Plaintiff as that term is defined in 15 USC 1681a.

38. Such reports contained information about Plaintiff that was false, misleading, and inaccurate.

39. Equifax willfully failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information that it reported to one or more third parties pertaining to Plaintiff, in violation of 15 USC 1681e(b).

40. After receiving Plaintiff's consumer dispute to the False Tradeline, Equifax willfully failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

41. As a direct and proximate cause of Equifax's willful failure to perform its duties under the FCRA, Plaintiff has suffered actual damages, mental anguish and suffering, humiliation, and embarrassment.

42. Equifax is liable to Plaintiff by reason of its violations of the FCRA in an amount to be determined by the trier of fact together with his reasonable attorneys' fees pursuant to 15 USC 1681n.

1 WHEREFORE, PLAINTIFF PRAYS that this court grants him a judgment against
2 Equifax for the greater of statutory or actual damages, plus punitive damages along with
3 costs, interest, and reasonable attorneys' fees.
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6 Dated: November 30, 2022 Respectfully submitted,

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